

-5-

REMARKS

This Amendment is responsive to the Office Action of January 12, 2006. In the Office Action, claims 1-21 were rejected. With this Amendment, claims 1, 5 and 10 are amended, claims 4 and 7 are cancelled, and claims 1-3, 5, 6, and 8-21 are presented for reconsideration and allowance.

Claim Rejections - 35 USC 103

Claims 1-21 were rejected under 35 U.S.C. 103(a) over Garrison et al. (US 5,972,030). Applicant traverses the rejections.

With this Amendment, claim 1 is amended to include limitations to the holder body having a first opening and a first outer gripping surface, and to the handle coupling having a second opening and a release mechanism having a second outer gripping surface opposed to the first outer gripping surface.

For example, in the embodiment in applicant's Figure 1B, the first outer gripping surface (part of 50) on the holder body (12) and the second outer surface (16) on the release mechanism (14) can be gripped between the thumb and the forefinger by the surgeon using a first hand, while the surgeon's second hand continues to hold the handle (28, FIG. 2). The directly opposed gripping action of the fingers releases the handle 28 from the first and second openings (40, 22). This arrangement with the gripping surfaces on the holder body and handle coupling provides an advantage in that the surgeon's second hand can maintain the holder in a desired position without disturbing the positioning by unwanted movement. In Garrison, however, a surgeon's second hand may easily twist while actuating the button 30 of Garrison.

BEST AVAILABLE COPY

-6-

Further, since the applicant's gripping surfaces are opposed to one another while being gripped, there is no twisting or rotation of the holder, the positioning of the holder is not compromised, and there are no excessive forces applied.

Garrison does not teach or suggest a holder body having a first opening and a first outer gripping surface, and the handle coupling having a second opening and a release mechanism having a second outer gripping surface opposed to the first outer gripping surface as presently claimed in amended claim 1.

In Garrison, the actuation button is on the handle 10 (Garrison FIG. 1), and is not opposed to the handle coupling. As a result, the physician must reposition his/her hand that is holding the handle with attached holder to the right position so as to be able to actuate the button. Movement of the hand has a risk of causing movement and disturbing the end of the handle and of the holder, which may undesirably shift the position of the annuloplasty ring. In the present invention, there would not be such an undesirable position shift because the opposed gripping surfaces can be grasped between the thumb and the forefinger to activate the release mechanism. Thus, it is clear that there are several advantages to the release mechanism as presently claimed in amended claim 1.

For these reasons, applicant requests withdrawal of the rejections over Garrison, and reconsideration and allowance of Claims 1-3, 5, 6, and 8-21.

Claims 9 and 21 were rejected under 35 U.S.C. 103(a) over Garrison et al. (US 5,972,030) in view of Rhee et al. (US 6,019,739).

As discussed above, Garrison does not teach or suggest a holder body having a first opening and a first outer gripping

-7-

surface, and the handle coupling having a second opening and a release mechanism having a second outer gripping surface opposed to the first outer gripping surface as presently claimed in amended claim 1. Rhee also does not supply these deficiencies.

Withdrawal of the rejections of claims 9 and 21 under 35 U.S.C. 103(a) over Garrison et al. (US 5,972,030) in view of Rhee et al., and reconsideration and allowance of claims 9 and 21, is therefore requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's attorney of record, Hallie A. Finucane at 612-330-0587.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: Hallie A. Finucane  
Hallie A. Finucane, Reg. No. 33,172  
Suite 1400  
900 Second Avenue South  
Minneapolis, Minnesota 55402-3319  
Phone: (612) 334-3222 Fax: (612) 334-3312

HAF:tlr

BEST AVAILABLE COPY